

Notice of Allowability

Application No.

10/588,814

Examiner

Vincent Q. Nguyen

Applicant(s)

ZANGL ET AL.

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 11/28/07 & Telephone interview 1/07/2008.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/7/2008.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

V. Nguyen VINCENT Q. NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

1. This Office action is in response to Applicant's amendment 11/28/2007 and telephone interview 1/07/2008.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jacques L. Etkowicz on January 7, 2008.

3. The application has been amended as follows:

- a) In the specification (For the purpose of amendment, the page and the line numbers refer to the page and line numbers of the spec. filed 8/09/2006)

Page 7, lines 26-27, delete the phrase: "Fig. 12 is a diagrammatic side view of the arrangement of displaceable transmitting electrodes on a tube,"

Page 7, line 29, replace the phrase "Fig. 13" with Fig. 12

Page 8, line 1, replace the phrase "Fig. 14" with Fig. 13

Page 8, line 4, replace the phrase "Fig. 15" with Fig. 14

Page 9, line 26, replace the phrase "Fig. 14" with Fig. 13

Page 15, line 32, replace the phrases "Figs. 12 and 13" with Fig. 12

Page 16, line 17, replace the phrase "Fig. 13" with Fig. 12

b) In the claim

11. (Currently Amended) A device for determining parameters of a fluctuating stream of fluid in a delivery pipe using at least three electrodes provided at a periphery of the stream in spaced relationship to each other in a direction of flow, comprising:

a first transmitting electrode configuration located upstream and a second transmitting electrode configuration located downstream, and a receiving electrode configuration located between transmitting electrodes of the first and second electrode configurations, the first and second electrode configurations being provided at the periphery of the stream of the fluid passing through the delivery pipe;

a receiving and evaluation device having a receiving electrode circumferentially surrounding the periphery of the stream for detecting the received signals produced by dielectric currents, for carrying out a time-discrete cross correlation and for determining transit times of fluctuations detected by the receiving electrode from cross correlation values—; and a driver circuit for temporally controlled supplying of an AC voltage signal to the first and second transmitting electrode configurations.

4. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

Replace the legend of Fig. 13 with Fig. 12

Replace the legend of Fig. 14 with Fig. 13

Replace the legend of Fig. 15 with Fig. 14

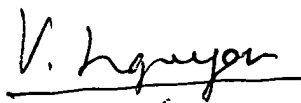
In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q. Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


01/08/2008

Vincent Q. Nguyen

VINCENT Q. NGUYEN
PRIMARY EXAMINER